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11 IN THE UNITED STATES DISTRICT COURT

12 EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ETHAN ANDREW EVANS TINDUKASIRI,

17 Defendant.

18 CASE NO. 1:22-MJ-00117-SAB
1:22-MJ-00114-SAB

19 RULE 43 WAIVER OF DEFENDANT'S
20 PRESENCE REQUEST; FINDINGS AND ORDER

21 DATE: December 1, 2023

22 TIME: 2:00 p.m.

23 COURT: Hon. Barbara A. McAuliffe

24 This case was set for a preliminary hearing on December 1, 2023. The parties agree and
25 stipulate to continue the preliminary hearing until January 26, 2024 at 2:00 p.m. before the duty
26 magistrate. Defense counsel has continued to be engaged in discussions and further investigation, and
27 needs additional time to conclude that process. Additionally, the parties are engaged in discussions and
28 investigation of issues related to a possible pre-indictment resolution, exploring issues related to the
defendant's mental health, as well as consultation with or seeking consultation with experts. The
defense has provided the government with a mental health assessment and the government retained an
expert to help assess the case. The government is in consultation with its expert, and needs additional
time to further consult with relevant parties. There are complex factual and legal issues the parties are
exploring, and believe that additional time to conclude that process will be productive in moving the
case forward.

29 The Court agreed with the continued Preliminary Hearing to January 26, 2024. Additionally the

1 Court set a status conference for these two matters on December 1, 2023 at 2:00 pm. The Court further
2 advised that it would accept a Rule 43 Waiver for Defendant's presence should it be filed in advance.

3 **Rule 43 Waiver of Defendant's Presence**

4 Pursuant to Rule 43 of the Federal Rules of Criminal Procedure, the defendant, Ethan Andrew
5 Evans Tindukasiri, hereby waives the right to be present in person in open court at the recently set Status
6 Conference on December 1, 2023 at 2:00 pm.

7 Defendant hereby requests the Court to proceed during every absence of him which the Court
8 may permit pursuant to this waiver; agrees that his interests will be deemed represented at all times by
9 the presence of his attorney, the same as if the defendant were personally present; and further agrees to
10 be present in court ready for trial any day and hour the Court may fix in his absence.

11 Defendant further acknowledges that he has been informed of his rights under Title 18 U.S.C.
12 §§ 3161-3174 (Speedy Trial Act), and authorizes his attorney to set times and delays under that Act
13 without Defendant being present.

14 /s/ ETHAN ANDREW EVANS
15 TINDUKASIRI
16 ETHAN ANDREW EVANS
17 TINDUKASIRI, Defendant

18 Dated: September 20, 2023

19 /s/ CAROL ANN MOSES
20 CAROL ANN MOSES
21 Counsel for Defendant
22 ETHAN ANDREW EVANS
23 TINDUKASIRI

24 **ORDER**

25 Pursuant to Rule 43, IT IS SO ORDERED that Defendant Ethan Andrew Evans Tindukasiri need
26 not be personally present at the Status Conference on December 1, 2023 at 2:00pm.

27 IT IS SO ORDERED.

28 Dated: November 30, 2023

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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